

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - - - -X

SAUNDRA G. ELION, :

Plaintiff :

v. :

:

ALPHONSO R. JACKSON, :

Defendant :

- - - - -X

DEPOSITION OF MICHAEL PHELPS

Washington, D.C.

Wednesday, May 31, 2006

Deposition of MICHAEL PHELPS, called for
examination at 1:10 p.m., at the law offices of Robert
C. Seldon & Associates, P.C., 1319 F Street, N.W., Suite
305, Washington, D.C., before Gary S. Howard, a notary
public in and for the District of Columbia, when were
present on behalf of the respective parties:

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 ROBERT C. SELDON, Esq.

4 Law Offices of Robert C. Seldon, P.C.

5 1319 F Street, N.W.,

6 Suite 305

7 Washington, D.C.

8
9 On behalf of the Defendant:

10 JOHN C. TRUONG, Esq.

11 United States Department of Justice

12 United States Attorney's Office

13 555 4th Street, N.W.,

14 Washington, D.C. 20530

15 (202-307-0406)

16
17 RICHARD K. JOHNSON, Esq.

18 HUD, Office of Inspector General

19
20 Also present:

21 SAUNDRA ELION

C-O-N-T-E-N-T-S

WITNESS	DIRECT	CROSS	REDIRECT
Michael Phelps	4	119	134

E-X-H-I-B-I-T-S

NUMBER	IDENTIFICATION
Deposition Exhibit No. 1	18
Deposition Exhibit No. 2	71
Deposition Exhibit No. 3	79

(Exhibits supplied by Mr. Seldon.)

1 P-R-O-C-E-E-D-I-N-G-S

2 Whereupon,

3 MICHAEL PHELPS

4 was called as a witness and, having been first duly
5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SELDON:

8 Q Mr. Phelps, for the record, would you
9 please give us your full name and your present
10 place of residence?

11 A Michael Richard Phelps, 3903 Croydon
12 Lane, Bowie, Maryland 20715.

13 Q Okay. Mr. Phelps, I take it in the not-
14 too-distant past, you retired from the Department
15 of Housing Urban development.

16 A Yes, sir, I did, effective January 3rd,
17 2006.

18 Q Thanks for your precision. And what was
19 your final position there?

20 A Deputy assistant inspector general for
21 audit.

22 Q Okay. And we're going to pick this up in

1 can't record that.

2 So when I say to you, are you ready to
3 go, you need to say --

4 THE WITNESS: Yes.

5 MR. SELDON: There we go.

6 BY MR. SELDON:

7 Q Mr. Phelps, your last job as deputy
8 assistant inspector general for audit, how long did
9 you hold that job for?

10 A I was appointed to that position, October
11 22nd, 1989.

12 Q What were your duties -- let's put it
13 this way.

14 Let's begin with the last couple of years
15 in that job, what your duties and responsibilities
16 were. Then we'll talk if there were any changes.

17 A The last couple of years in that job, my
18 responsibilities were oversight of all of our staff
19 in the office of audit, 300-plus people, in some 35
20 offices around the country.

21 And I was first-line supervisor for the
22 manager of every of those offices, second-line

1 supervisor for all of their deputies.

2 So I had basically oversight of the
3 operations of the office of audit.

4 Q What grade level were you in that job?

5 A SES.

6 Q Senior Executive Service?

7 A Yes, sir.

8 Q Okay. To whom did you answer in that job?

9 A James Heist.

10 Q And he was?

11 A Assistant inspector general for audit.

12 Q Who was your second-line supervisor?

13 A Michael Stephens, deputy inspector
14 general.

15 Q Okay. And just to make this a little
16 easier, I had asked you to focus on your last three
17 years in the job as deputy assistant inspector
18 general for audit.

19 You were in that job for, I gather, 15
20 years or thereabouts.

21 A Uh huh.

22 Q Were the years before the last three

1 headquarters audit division. I don't remember the
2 specific title of that group back at that point in
3 time, but --

4 Q Was that true when you started in 1989?

5 A That was true when I started in -- yes,
6 sir.

7 Q I mean started as deputy assistant
8 inspector general.

9 A Yes. When I started as deputy assistant
10 inspector general, there was a division in
11 headquarters.

12 Q The headquarters audit division?

13 A Yes, sir.

14 Q And prior to then as well?

15 A Yes, sir.

16 Q Dating back to when, to the extent you
17 know?

18 A I started in that division in 1971.

19 Q Okay. And it was in continuous operation
20 until -- continuous existence until 2004.

21 Is that right?

22 A No.

1 Q Okay.

2 A When we formed the capital district.

3 Q Okay.

4 A Which I'm not sure of the exact date of
5 that. Probably around mid-'90s.

6 Q Okay.

7 A We formed that group and actually took
8 the headquarters audits group and they became that
9 group at that point in time.

10 Q Is it fair to say that from 1971 forward,
11 until 2004, there had always been either a
12 headquarters audit division or a capital audit
13 division in the HUD inspector general's office?

14 A Yes, to the best of my recollection.

15 Q Did that go on until '71, do you know?

16 A I do not know.

17 Q Okay. We were going back. You became the
18 deputy assistant inspector general for audit in
19 '89. And before that, you said that you had done,
20 what?

21 What was your position?

22 A Before that, I was -- I think it was

1 manager.

2 Q Okay. Anything else?

3 A Consolidating regional offices.

4 Q Okay.

5 A Moving functions from one office to
6 another office.

7 Q Okay.

8 A That's the best I can think of.

9 Q So keeping those examples in mind, I'll
10 ask you again -- does it still seem right that
11 somewhere between five or more, but less than ten,
12 times as DAIGA, you were involved in a
13 reorganization?

14 A Probably closer to ten.

15 Q Okay.

16 A Maybe a little more.

17 Q Fair enough. And your role in these
18 reorganizations would customarily be what?

19 A It could be a very varied role, from
20 making the recommendation that it be done, to
21 implementing what I was told was being done.

22 Q Okay. And in carrying out these ten or

1 more reorganizations, was it customary for one of
2 the HR divisions or the other that worked with OIG
3 to be involved?

4 A Yes.

5 Q Which one or ones?

6 A I'm sorry?

7 Q Which one or ones, or was it both?

8 A Both.

9 Q On a routine basis?

10 A Yes.

11 Q Standard business practice. Is that
12 right?

13 A To the best of my knowledge. Let me say
14 it was for me.

15 Q What about to the best of your knowledge?

16 A To the best of my knowledge, it was.

17 Q Okay. That's fair.

18 (Pause.)

19 Good. Making good progress.

20 (Pause.)

21 At some point in the last few years, were
22 there hiring ceilings or staffing ceilings or

1 reduction put in place on individual offices in the
2 office of audit?

3 A Yes, there was.

4 Q When do you recall that occurring, and
5 what do you recall occurring?

6 A On multiple dates over the past several
7 years.

8 Q Okay.

9 A Ceilings were raised, ceilings were
10 lowered, for both the office of audit and for
11 individual offices.

12 Q Would the past several years be fair to
13 say like from 2001 until your retirement? Is that
14 a good framework?

15 You need to tell me by the past several
16 years.

17 A Yes, that's fine. It goes back to as long
18 as I was in the job, from '89. These
19 things -- this is routine in the office of audit.

20 So it happened all the time.

21 But, yes, 2001 to the time I retired was
22 a good measure.

1 Q And when you say, this was routine, just
2 for the record, what do you mean by the this?

3 A Changing ceilings, reducing, raising.

4 Q Okay. Is the same true for hiring freezes
5 as well?

6 A Yes.

7 Q Let's start, then, let's go to the top.
8 How is the overall -- if there is a standard
9 way -- the overall hiring ceiling for the office of
10 audit, set?

11 A The office of management and policy.

12 Q OMAP?

13 A OMAP, within the OIG, sets the ceilings
14 for the individual, for audit.

15 Q Okay. For the whole audit division.

16 A Right. The total ceiling for office of
17 inspector general is set by OPM.

18 Q Right.

19 A Once we have a ceiling, the office of
20 management and policy decides what individual
21 office's ceilings are going to be.

22 Q Meaning like the office of investigation,

1 Q That's fair.

2 A I don't remember whether there was any
3 difference than what I proposed and what we ended
4 up with.

5 Q That's fair. Do you remember one way or
6 another assigning an office -- I'm sorry -- an
7 audit, of OFHEO from the headquarters office
8 division to Kansas City office of audit?

9 A I did not make that assignment.

10 Q Are you aware of it occurring?

11 A Yes.

12 Q What do you know about that, and when did
13 it occur?

14 A I think it was in 2003.

15 Q Okay.

16 A Maybe springtime.

17 Q Let's identify what OFHEO is for the
18 record.

19 (Pause.)

20 A You want me to do that?

21 Q Would you, please?

22 A No. I don't know.

1 (Laughter.)

2 Office of fair housing -- oh, say that
3 again.

4 Q OFHEO.

5 A Oh, fair housing -- I was thinking of the
6 OFEO audit.

7 Q That's what I was thinking of, too.

8 A Yes. It's not OFHEO.

9 Q Right. It's --

10 MR. TRUONG: O-F, what?

11 BY MR. SELDON:

12 Q Let's try it again. What audit were you
13 thinking of, sir?

14 A I was thinking of the audit of the
15 oversight group of FEO in the department.

16 Q Right.

17 A I don't recall the exact letters.

18 Q That's okay. That's the one that was
19 reassigned to Kansas City, Region 7?

20 A Yes.

21 Q Who made that assignment, if you know?

22 A Mr. Heist.

1 Q Was it reassigned from another office, if
2 you know?

3 A Not to the best of my recollection.

4 Q Okay. Did you have any role to play in
5 the assignment or detail of auditors to perform
6 that audit?

7 A I do not remember whether Mr. Heist
8 discussed it with me before the decision was made
9 or whether he just told me this was the decision.

10 Q Do you remember what the decision was?

11 A The decision was that the assignment was
12 going to be done by Kansas City.

13 I do not recall if it originally had been
14 assigned to anybody else. I don't believe so. QDo
15 you recall whether any auditors in particular in
16 any particular office were detailed or otherwise
17 assigned to perform that audit?

18 A Yes. Two auditors from the headquarters
19 audits division were detailed.

20 Q That was while it was under Ms. Elion's
21 supervision?

22 A Yes.

1 Q Who were the two auditors, if you recall?

2 (Pause.)

3 A I believe it was Karmel Smith -- no, she
4 wasn't on it.

5 Q If you don't remember, that's okay.

6 A Ed Kim I know was on it. I can't remember
7 who the other person was.

8 Q Okay. And were they physically TDYed to
9 Kansas City in order to do that audit?

10 A No.

11 Q So they remained stationed in Washington,
12 D.C., during that audit?

13 A To the best of my recollection.

14 Q Whose supervision were they under?

15 A The Kansas City office.

16 Q Which had its own assistant inspector
17 general -- assistant regional inspector general for
18 audit?

19 A Regional inspector general for audit.

20 Q The head of that office, in other words.

21 A Yes.

22 Q Okay. Do you know one way or another

1 about a detail of an audit team from Philadelphia
2 to perform a follow-on audit in lead hazard
3 control?

4 A Yes.

5 Q Which one are you thinking of? Let's
6 make sure we're on the same wavelength.

7 A The City of Clifton. Oh, no, wait a
8 minute.

9 (Pause.)

10 I think there's two different
11 assignments.

12 Q I think we're talking about a
13 headquarters audit.

14 A Okay. Right.

15 Q And are you aware one way or another
16 about auditors from Philadelphia being detailed or
17 otherwise assigned to perform that audit?

18 A Yes, I know they were.

19 Q Okay. Do you recall when that was?

20 A I do not.

21 Q And this was an audit to be performed in
22 headquarters?

1 I'm sorry -- about headquarters.

2 A You know, it would be speculation on my
3 part because --

4 Q You don't need to answer.

5 A -- I had little involvement in that.

6 Q Do you know whose decision that was?

7 A It would be Jim Heist's decision.

8 Q Okay. Was it standard business practice
9 of Mr. Heist to assign particular auditors as
10 opposed to you doing it?

11 A Yes.

12 Q Was it standard business practice of Mr.
13 Heist to do that without consulting you?

14 A Yes.

15 Q Did you conduct periodic meetings in
16 person and/or by phone or video conference with
17 office heads while you were deputy assistant
18 inspector general for audit?

19 A Yes.

20 Q This happened frequently? Weekly?
21 Monthly? Frequently? Any particular standard time
22 or times?

1 What were the ratios?

2 A Auditors.

3 Q Let me make the record clear. It would be
4 the ratio of supervisory -- is it office heads or
5 supervisors, or what?

6 A ARIGs -- assistant regional inspector
7 general for audit.

8 Q Which would have been the regional office
9 heads and the --

10 A No, not the regional office heads. That's
11 the RIG.

12 Q Okay.

13 A The ARIG is the assistant.

14 Q Okay.

15 A So it would be the number of assistants
16 to the number of audit staff that they had assigned
17 to them.

18 Q And when you say audit staff, do you mean
19 auditors?

20 A Auditors.

21 Q So we're eliminating, then, support
22 staff.

1 A Right. Yes.

2 Q And the ARIGs, they were in offices that
3 were, correct me if I'm wrong, were part of the
4 larger offices that the RIGs --

5 A ARIGS could be in the regional office or
6 an out-stationed office.

7 Q Got it. And when you use that term,
8 you're also using the office heads in headquarters,
9 I take it, or no?

10 A No. We never included the headquarters
11 offices in terms of looking at how many staff they
12 had.

13 Q And the ratio of supervisors to
14 professional staff.

15 Is that right?

16 A Right.

17 Q Okay. You don't remember that coming
18 up -- well, strike that.

19 Were there particular ratios in these
20 regional offices, as you described them -- and I
21 mean the field offices -- that were used as
22 guidelines for determining appropriate staffing

1 levels?

2 A To the best of my recollection, we used
3 the number of 7:1.

4 Q And what do you mean by that?

5 A Seven staff auditors to one supervisor.

6 Q And that was, what, a goal or
7 requirement, or what?

8 A That was a number that was arrived at by
9 analyzing a lot of different information -- the
10 size of our staff in each office.

11 Q Got it.

12 A Where those offices were, whether there
13 was a supervisor on-site.

14 Q Got it.

15 A And what was going on at other IGs'
16 offices, what their ratios were.

17 Q Did all of the offices in the region meet
18 that ratio, or better it?

19 A No.

20 Q Do you recall which ones in the last
21 three years of your work at OIG did not?

22 A No.

1 Q Do you recall any that did not meet that?

2 A Do I recall a specific one that did not?

3 Q Yes.

4 (Pause.)

5 A No.

6 Q Do you recall any action ever being taken
7 involving an office in the field in one of the
8 regional offices to remedy a staff:supervisor ratio
9 that was lower than 7:1?

10 A Yes.

11 Q Can you tell me which one or ones?

12 A Atlanta and Chicago.

13 Q And what happened in those two
14 situations? Let's say Atlanta first.

15 A We put an additional supervisor.

16 Q Because their staff to supervisor ratio
17 was higher than 7:1, I guess.

18 Is that right? I'm trying to find out
19 lower than 7:1.

20 A No, let me back up.

21 Q Okay.

22 A What we did in Atlanta, we added up

1 supervisor because it was an out-stationed office
2 supporting RICO and we had about six auditors down
3 there without direct supervisor.

4 So we put another manager in there.

5 Q Okay.

6 A I'm not sure what that did to their
7 ratio.

8 Q Would it be fair to say that that wasn't
9 done in order to increase the number of staff per
10 supervisor?

11 A Right. No, that was done to -- in that
12 case, it was done to give on-site supervision.

13 Q Right. I'm talking about the other way
14 than where there was some action --

15 A Where it was done to reduce the number of
16 staff?

17 Q Increase the number of staff.

18 A Increase the number of staff?

19 Q Per supervisor, yes.

20 A I'm confused. I'm not understanding your
21 question.

22 Q Okay. You had said that there was -- and

1 I'm not going to put words in your mouth. And if
2 I've described this wrong, you feel free to say,
3 no, this is not what I meant.

4 There was a desire or a goal of a ratio
5 of seven staff per supervisor.

6 Correct?

7 A Uh huh.

8 Q Say yes or no for the Reporter.

9 A Yes.

10 Q And presumably, if you're maximizing
11 efficiency, what you would like, what OIG wanted,
12 what its objective was, was to see that the ratio
13 of staff to supervisor was seven or higher.

14 Would that be fair to say?

15 A Right around seven.

16 Q Okay.

17 A It wouldn't necessarily go higher. If it
18 was six, we're not going to push it to go to 7-1/2
19 to make it higher than seven.

20 Q Okay.

21 A Seven was a number that --

22 Q A goal.

1 A A goal that we were working.

2 Q And what I was saying was, do you recall
3 any circumstances of regional offices in which
4 action was taken in order to increase the ratio of
5 staff to supervisors?

6 A Increase the staff to supervisors --
7 means I would have to add more staff.

8 Q Or take away supervisors.

9 A Or take away supervisors. I cannot think
10 of an occasion when we took away supervisors.

11 Q Okay.

12 A Adding more staff, we've done. But I
13 don't recall it ever being because we had too many
14 supervisors and we had to get more staff to balance
15 the numbers out.

16 Q Okay.

17 (Pause.)

18 Let me have marked a document as -- let's
19 call it Phelps Exhibit 2.

20 THE COURT REPORTER: No. 2.

21 (The document referred to
22 was marked for identification

as Deposition Exhibit No. 2.)

BY MR. SELDON:

Q Is this a document you're familiar with?

A Yes, it is.

Q Just for the record, then, I'll say, this is a memorandum dated April 20th, 2004, from Mr. Heist to Mr. Stephens. And the subject is: Proposal For Realignment of the Office of Audit.

Now this does seek Mr. Stephens' approval for a realignment in the office of audit, which, as it states here, would involve disbanding the headquarters audit division and moving staff to other mission-critical functions within headquarters' office of audit.

What involvement, if any, did you have in preparing this memorandum?

A None.

Q What involvement, if any, did you have in the consideration or proposal or implementation of the actions discussed in this memorandum before they were taken?

MR. TRUONG: Objection to the form of the

1 question, and foundation.

2 MR. SELDON: I think I said, what action,
3 if any.

4 MR. TRUONG: Answer the question to the
5 best of your ability.

6 MR. SELDON: Let's make it simpler. I see
7 you were struggling.

8 BY MR. SELDON:

9 Q Did you have any -- there are certain
10 actions that are discussed in this memorandum,
11 Phelps Exhibit 2, okay.

12 Are you with me there?

13 A Yes, sir.

14 MR. TRUONG: Do you want to point those
15 out?

16 MR. SELDON: I actually had just read
17 them a moment ago -- realignment involved
18 disbanding the headquarters audit division and
19 moving staff to other mission-critical functions.

20 Right?

21 MR. TRUONG: Okay.

22 MR. SELDON: In the first paragraph,

1 okay?

2 MR. TRUONG: Okay.

3 BY MR. SELDON:

4 Q What I wanted to know was, what
5 involvement, if any, did you have in considering
6 this proposed realignment before it was
7 implemented?

8 A Before it was implemented?

9 Q Before it was approved.

10 A Before it was approved.

11 (Pause.)

12 I can't recall. I can't recall whether
13 Mr. Heist discussed this with me before he sent it
14 up to Mr. Stephens or after Mr. Stephens had
15 approved it.

16 Q Do you recall one way or the other Mr.
17 Heist soliciting your input or thoughts into this
18 realignment before he sought Mr. Stephens'
19 approval?

20 MR. TRUONG: He just told you.

21 MR. SELDON: No. It's a different
22 question.

1 THE WITNESS: I do not remember what the
2 timing was when Mr. Heist discussed it with me.

3 MR. SELDON: Okay.

4 BY MR. SELDON:

5 Q I take it at some point you were involved
6 or became knowledgeable about this.

7 Right?

8 A Yes.

9 Q Okay. Hang on one second.

10 (Pause.)

11 What I'm going to do is I'm going to just
12 give you a copy of your affidavit that you gave at
13 the EEO -- I'm sorry -- investigative process of
14 Ms. Elion's complaint.

15 I'm just going to draw your attention to
16 a part of it and just ask if this in any way
17 refreshes your recollection.

18 I'm showing you page 4, and there's a
19 question beginning on line 10. And the answer on 12
20 is: Although I had no direct involvement in the
21 reorganization, I understand the ongoing workload,
22 et cetera.

1 you -- without doing anything, I'll just say, which
2 you attended.

3 Okay?

4 A Right.

5 Q Do you recall specifically how you came
6 to be in that meeting, be invited into that
7 meeting?

8 A Yes. Mr. Stephens invited me.

9 Q He spoke with you directly?

10 A I'm not sure. I'm not sure how. But his
11 secretary could have called and said, report to the
12 front office. And when I got there, he told me
13 what he wanted to talk about.

14 I don't remember how the invitation came,
15 though.

16 Q What do you recall Mr. Stephens
17 expressing at that meeting?

18 A His concern that our staff felt that they
19 were being mistreated by management, and this was
20 an intolerable situation.

21 Q Let's go back. The staff at this point,
22 was it about Mr. Kim, or was there other staff?

1 A There was mention of another person who
2 Mr. Kim had told me, Sharon Brown, also on Ms.
3 Elion's staff, that she had similar issues with the
4 way she was being treated.

5 And I passed that on to Mr. Stephens.

6 Q And so, what did Mr. Stephens, to the
7 best of your recollection, say at this particular
8 meeting?

9 A He asked Ms. Elion what she knew about
10 it, what her feelings were, why this could be
11 happening, was there a problem with Ms. Hawkins,
12 the way she dealt with staff.

13 MR. TRUONG: Bob, I mistakenly wrote down
14 the names, Kim Marn and Sharon Brown on the copy
15 that Mister --

16 MR. SELDON: We're just using it for
17 reference. We're not going to make it an exhibit.

18 MR. TRUONG: I just wrote down those
19 names and I don't know if you have an extra copy, a
20 clean copy, that Mr. Phelps can use.

21 MR. SELDON: Sure. The complaint? Sure.

22 (Pause.)

1 Go ahead.

2 BY MR. SELDON:

3 Q And Ms. Elion, did she answer Mr.
4 Stephens' questions?

5 A Yes. She said that she wasn't aware of
6 it, that there was this sort of problem going on
7 with Ms. Hawkins.

8 She was aware that, obviously, Mr. Kim
9 submitted his resignation and what his reasons, the
10 reasons he had given her.

11 Q At the meeting, was Ms. Elion respectful?

12 A Was Ms. Elion respectful?

13 Q Yes.

14 A Yes.

15 Q Did she raise her voice at any point?

16 A I don't think so, no.

17 Q Did anybody?

18 A Well, Mr. Stephens was quite visibly
19 upset. Did he raise his voice above a normal
20 conversational tone?

21 Yes.

22 Q Did you observe what he was upset about

1 or what made him upset?

2 A The possibility that we have managers
3 that are treating employees in such a way that they
4 would resign their job as the only way out.

5 Q Did you observe or have a reason to
6 conclude at that meeting that Mr. Stephens was of
7 the belief that Ms. Hawkins was at fault in Mr.
8 Kim's resignation?

9 MR. TRUONG: Objection to the form of the
10 question.

11 BY MR. SELDON:

12 Q Can you answer that one, or not?

13 A Do you want to repeat it?

14 Q Did you observe or have reason to believe
15 at that meeting that Mr. Stephens had concluded
16 that Ms. Hawkins was at fault in Mr. Kim's
17 resignation?

18 A No. I don't think he reached a
19 conclusion because one of the things that he said
20 he was going to do was have our ombudsman program
21 take a look at the situation and try to get to the
22 bottom of what was going on.

1 the special assistants attended those meetings.

2 MR. SELDON: Tell you what. Why don't you
3 let me collect my notes, and then I'll see if I've
4 got anything more to do.

5 And I would think, if I do, and I may
6 not, it would be limited. So you might want to
7 checks yours if you want to do Redirect.

8 But give me a few minutes and let me get
9 organized.

10 MR. TRUONG: Okay.

11 (Recess.)

12 THE COURT REPORTER: We're back on the
13 record.

14 MR. SELDON: Mr. Phelps, I just have a
15 couple other follow-up questions to ask you.

16 THE WITNESS: Okay.

17 BY MR. SELDON:

18 Q We talked about the complaint that Mr.
19 Kim brought to you, and that you then discussed
20 with Mr. Stephens.

21 Okay?

22 A Yes.

1 Q Before bringing it to Mr. Stephens'
2 attention, did you make any effort to discuss this
3 or raise this with Ms. Elion?

4 A No.

5 Q Did you make any effort to discuss or
6 raise it with Ms. Hawkins?

7 A No.

8 Q Was there a reason for that?

9 A At that point, it was a complaint. And I
10 was alerting my superior to the fact that we had a
11 complaint and how are we going to deal with it?

12 Q Okay.

13 A I think it would have been inappropriate
14 for me to start conducting my own investigation at
15 that point in time without alerting my management
16 as to what was going on.

17 Q Okay. Just so we're clear, I hadn't meant
18 an investigation. I meant raising it in any way.

19 A Well, not an investigation. I used that
20 kind of loosely, if I'm going to start asking
21 questions about why something happened or didn't
22 happen.

1 Q Okay. And I think you said there was a
2 complaint of another person in Ms. Elion's former
3 division, Mr. Iriczary.

4 Is that right?

5 A There was a number of complaints from her
6 divisions.

7 Q I guess the ones we talked about that you
8 elevated upward.

9 A Okay.

10 Q To the former deputy.

11 A Mr. Iriczary.

12 Q Yes.

13 A I said that I thought that I probably
14 had.

15 Q Do you recall discussing it with Ms.
16 Elion first before elevating it?

17 A No, I honestly don't recall at what point
18 I talked with her about it.

19 Q Okay.

20 MR. SELDON: I don't have any more
21 questions.

22 MR. TRUONG: I just have a few more